

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN WARREN MILLER,

Defendant.

2:20-CR-191-APG-DJA

Preliminary Order of Forfeiture

This Court finds Allen Warren Miller pled guilty to Count One of a One-Count Criminal Indictment charging him with receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2). Criminal Indictment, ECF No. 28; Change of Plea, ECF No. 63; Plea Agreement, ECF No. 62.

This Court finds Allen Warren Miller agreed to the forfeiture of the property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 28; Bill of Particulars, ECF No. 37; Change of Plea, ECF No. 63; Plea Agreement, ECF No. 62.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment and the offense to which Allen Warren Miller pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such

1 visual depiction, which was produced, transported, mailed, shipped or received in violation
2 of 18 U.S.C. § 2252A(a)(2) and (2) any property, real or personal, used or intended to be
3 used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(2), or any property
4 traceable to such property and is subject to forfeiture pursuant to 18 U.S.C. § 2253(a)(1) and
5 2253(a)(3):

- 6 1. eMachine T-2240 computer tower, with a serial number of QIP32D0302176,
7 containing a Seagate 40GB IDE hard drive, with a serial number of
8 5LA0WBNZ;
- 9 2. HP-All in One Computer, serial number of TJ1811TYYV, containing a Seagate
10 1TB SATA hard drive, serial number of Z9AE509J; and
- 11 3. Western Digital External 250GB SATA Hard Drive, with a serial number of
12 WMAV2H387164

13 (all of which constitutes property).

14 This Court finds that on the government's motion, the Court may at any time enter
15 an order of forfeiture or amend an existing order of forfeiture to include subsequently
16 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
17 32.2(b)(2)(C).

18 This Court finds the United States of America is now entitled to, and should, reduce
19 the aforementioned property to the possession of the United States of America.

20 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
21 DECREED that the United States of America should seize the aforementioned property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
23 rights, ownership rights, and all rights, titles, and interests of Allen Warren Miller in the
24 aforementioned property are forfeited and are vested in the United States of America and
25 shall be safely held by the United States of America until further order of the Court.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
27 of America shall publish for at least thirty (30) consecutive days on the official internet
28 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall

1 describe the forfeited property, state the time under the applicable statute when a petition
2 contesting the forfeiture must be filed, and state the name and contact information for the
3 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
4 and 21 U.S.C. § 853(n)(2).

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
6 or entity who claims an interest in the aforementioned property must file a petition for a
7 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
8 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
9 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
10 right, title, or interest in the forfeited property and any additional facts supporting the
11 petitioner's petition and the relief sought.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
13 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
14 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
15 not sent, no later than sixty (60) days after the first day of the publication on the official
16 internet government forfeiture site, www.forfeiture.gov.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
18 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
19 Attorney's Office at the following address at the time of filing:

20 Daniel D. Hollingsworth
21 Assistant United States Attorney
22 James A. Blum
23 Assistant United States Attorney
24 501 Las Vegas Boulevard South, Suite 1100
25 Las Vegas, Nevada 89101.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
27 described herein need not be published in the event a Declaration of Forfeiture is issued by
28 the appropriate agency following publication of notice of seizure and intent to
administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

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4 DATED August 17, 2021.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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